



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LEWIS, Norman P.

For: UNIVERSAL BRACKET SYSTEM

Serial No.: 10/674,181 Examiner:

Filed: 09/29/2003 Group Art Unit:

Docket No.: Performance Stamping P1US1

Mail Stop Box
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR ACCEPTANCE OF EXECUTION OF APPLICATION BY PERSON
HAVING PROPRIETARY INTEREST IN PATENT APPLICATION SUBJECT
MATTER UNDER 37 CFR §1.47(B)**

Dear Sir:

With respect to the above-identified patent application, the sole inventor, Mr. Norman P. Lewis, has refused to execute a Declaration for the application. Accordingly, this Petition is a request for the Patent Office to accept the application with a Declaration executed on behalf of Performance Stamping Company, Inc., by Mr. Kenneth R. Morency, President of Performance Stamping Company, Inc. It is believed that Performance Stamping Company, Inc. has sufficient proprietary interest in the subject matter of the application so as to justify such action and make application for patent on behalf of and for Mr. Lewis.

To support the Petition, an Affidavit by Mr. Morency, as President of Performance Stamping Company, Inc. is enclosed.

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Also enclosed is the appropriate fee of \$130 under 37 CFR §1.17(h) for filing of the application by a person not the inventor thereof. The accompanying Affidavit by Mr. Lewis includes proof of the pertinent facts, a showing that this action is necessary to preserve the rights of Performance Stamping Company, Inc. and to prevent irreparable damage. The Affidavit by Mr. Morency also sets forth the last known address of Mr. Lewis.

Performance Stamping Company, Inc. respectfully requests acceptance of the Petition and acceptance of the accompanying Declaration.


Also enclosed is a copy of the Notice to File Missing Parts and an Extension of Time for purposes of submitting the Declaration.

Should any questions arise in connection with the above, please contact Thomas L. Lockhart at the telephone number of (616) 336-6000.

Respectfully submitted,

PERFORMANCE STAMPING COMPANY, INC.

Dated: 7/19/04

By 
Thomas L. Lockhart, Reg. No. 29,324
VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
Bridgewater Place
P.O. Box 352
Grand Rapids, Michigan 49501-0352

#1013145



LEGAL MEMORANDUM

To: Kenneth R. Morency

From: Thomas L. Lockhart

Subject: Ownership of Inventions Covered in U.S. Patent Application Serial No. 10/674,181 Filed September 29, 2003 and Entitled UNIVERSAL BRACKET SYSTEM

It is my understanding from facts presented to me that with respect to the above-identified patent application, Mr. Norman P. Lewis is the sole inventor of the inventions set forth in the claims of the application. Further, from discussions with personnel of Performance Stamping Company, Inc., the following are understood:

1. That Mr. Lewis was an employee of the company during the entirety of the time that Mr. Lewis received and reduced to practice the inventions claimed in the application.
2. Mr. Lewis was hired specifically for the purposes of developing inventions corresponding to those claimed in the invention.
3. Mr. Lewis used the facilities of the company during the entirety of the time that Mr. Lewis developed the inventions claimed in the invention.

I am an attorney registered to practice in the state of Michigan, and I am not registered to practice in the state of Illinois. However, upon the facts presented to me by the company, it appears that there is a significant chance that the company owns the entirety of the title in the application.

Respectfully submitted,

PERFORMANCE STAMPING COMPANY, INC.

Dated: _____

7/19/2004

By: _____

Thomas L. Lockhart
Thomas L. Lockhart, Reg. No. 29,324
VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
Bridgewater Place
P.O. Box 352
Grand Rapids, Michigan 49501-0352



PATENT

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Sir:

AFFIDAVIT UNDER 37 CFR §1.47

I, Kenneth R. Morency, being duly sworn, does depose and say, as follows:

1. That I am President of Performance Stamping Company, Inc., an Illinois corporation having offices at 20 Lake Marian Road, Carpentersville, Illinois 60110 (the "Company").
2. That I am familiar with and have reviewed the contents of the entirety of the above-identified patent application (the "Application").
3. That the Application is based on a provisional application, identified as Application Serial No. 60/414,509, filed September 27, 2002.
4. That to the best of my knowledge and information, and upon reasonable belief, the sole inventor for the inventions described and claimed in the Application is

Mr. Norman P. Lewis, having a last known residence at 320 Cornell Lane, Algonquin, Illinois 60102.

5. That Mr. Lewis was an employee of the company from October, 1987 to March 1, 1996 and May 18, 1998 to July 9, 2003.

6. That during the period of time that Mr. Lewis was an employee of the Company, Mr. Lewis conceived and reduced to practice all of the inventions described and claimed in the Application, and that no part of the inventions claimed in the Application were conceived or reduced to practice outside of the period of time that Mr. Lewis was an employee of the Company.

7. That, upon reasonable belief, I have presented Mr. Lewis with a Declaration for the Application under 37 CFR §1.63, for execution by Mr. Lewis as the sole inventor for the inventions claimed in the Application, and that such Declaration was presented to Mr. Lewis for signature at the time that a copy of the application was presented to Mr. Lewis for review, prior to the filing of the Application on September 29, 2003. A copy of this Declaration is attached as Exhibit 1.

8. That at the time that I initially presented Mr. Lewis with the Declaration, Mr. Lewis refused to execute the Declaration.

9. That several times following the initial presentation of the Declaration to Mr. Lewis, additional requests were made to Mr. Lewis to execute the Declaration. These requests included requests to execute a revised version of the Declaration, prepared after the filing date for the Application had occurred and a filing date and serial number had been assigned to the Application. A copy of this revised Declaration is attached as Exhibit 2.

10. That, upon information and belief, the last known address of Mr. Lewis is 320 Cornell Lane, Algonquin, Illinois 60102.

11. That the Company has sufficient proprietary interest in the subject matter of the Application, so as to justify the filing of the Application by the Company. A Legal Memorandum executed by Thomas L. Lockhart, attorney for the Company with respect to the filing of the Application, is attached as Exhibit 3. The Legal Memorandum states that Mr. Lockhart believes, upon interpretation of the facts, that a court of competent jurisdiction would, by way of authority, award title of the inventions to the Company. In this regard, I believe that all work associated with conception and reduction to practice of the inventions claimed in the Application was performed by Mr. Lewis while an employee of the company, that Mr. Lewis was hired to develop inventions corresponding to those described and claimed in the Application, and that Mr. Lewis used the facilities of the Company in developing the inventions claimed in the Application.

12. I believe that the filing date of September 29, 2003 for the Application is necessary to preserve the rights of the Company, and to prevent irreparable damage to the Company with respect to its rights in the Application.

13. I fully understand that willful or false statements and the like are punishable by fine or imprisonment, or both (under 18 USC 1001) and may jeopardize the validity of the Application or any patent issuing therefrom. Further, all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Further, Affiant sayeth not.

Respectfully submitted,

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PERFORMANCE STAMPING COMPANY, INC.

Dated:

7/19/04

By

Kenneth R. Morency, President

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